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Date Dec 15 '05
Edward Langer, Reg. No. 30,564

URGENT

(571) 273-8300

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : SURASKI, Ze'ev et al
Serial no. : 09/990,380
Filed : November 23, 2001
For : METHOD AND APPAARATUS FOR DYNAMIC
SHARED-MEMORY CACHING OF SCRIPTING
ENGINE PRODUCT

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DEC 15 2005

Examiner: LAZARO, David R.
Art Unit: 2155

Tel Aviv, Israel
December 15, 2005

Hon. Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PER 37 CFR 1.181(a)

Sir,

The Applicants, through their undersigned representative, hereby petition to withdraw the Notice of Abandonment, mailed September 22, 2005 in the subject case. Support for this petition is attached.

As noted in the notice of Abandonment, the case was abandoned for failure to file a response to the Office Action of February 11, 2005. The Examiner asked the Applicants' attorney to call him regarding a restriction requirement. On February 3, 2005 a message was left by the undersigned requesting receipt of the Office Action.

However, no Office Action was received.

Again, Applicants' attorney did not receive the Office Action of February 11, 2005.

Applicants' attorney maintains a docketing system known as PATTSY, and the docket clerk responsible for entering Office Action due dates is diligent in this activity. As a backup system, this clerk also maintains the Microsoft Outlook calendar filled with

dates for activities to be performed. A report of these due dates is printed periodically, approximately weekly.

Attached (p. 3) is the docket history of the subject case in our office. In addition to the lines in the "Action" column, Applicants' Attorney has added, for purposes of this petition, a circled letter "A" on a line relating to the following discussion.

Specifically, on the line marked "A", it is noted that the undersigned filed an IDS on March 24, 2004. In the PATTSY system, this date was noted as a due date of DD/MM/YY as 28/03/2004.

There is no listing for any Office Action occurring after the publication notice. This documents the non-receipt of the Office Action (supposedly mailed on February 11, 2005). A thorough search of our Office and the file jacket was conducted.

Upon checking our records further recently, Applicants' attorney was made aware of the existence of the Office Action. His secretary proceeded to access the Office Action on the PTO database website. The first page of this Office Action is attached (p. 4), and it can be seen that there is a simple explanation for non-receipt of the Office Action. The PTO mishandled this mailing, since the addressee is INCORRECT.

Therefore, the USPTO should grant this petition. A sufficient showing has been made.

It is respectfully requested that this petition be dealt with urgently, and that the Office Action be re-mailed correctly, with a new date set for response, to enable continuation of the examination.

Respectfully submitted,


Edward Langer, Reg. No. 30,564
Attorney for Applicants

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349142/1

15 DEC 2005 11:35 SHIBOLET YSRAELI 03-7103322

NO. 466 P. 3

Q. 13 SL 25/11/2001 MODIFIED 13/12/2005 ATTORNEYS EL / EL / SL PRINTED ON: 13/12/2005

YOUR# Z-44-1 US CENTRY US UNITED STATES NEW/CON NEW RELATED

PATS# P00117US0 TYPE UTL SERIAL# 09/990,380 PATENT# STAT PENDING

TITLE METHOD AND APPARATUS FOR DYNAMIC SHARED-MEMORY CACHING OF SCRIPTING ENGINE PRODUCT TXT1

CLIENT Z-44 ZEND TECHNOLOGIES 1 CREF SE Yes TXT2

AGENT AREF CLAIMS TXT3

PRIOR 22/11/2000 MAIL 22/11/2001 FILE 23/11/2001 PUBL ISSUE EXP 23/11/2021 1ST 23/11/2001

ID	O	ACTION	BASE	DUE IN	DUE	EXTNS	FINAL	EXT	RESPONSE	CALL	1	2	P
FO	N	FOREIGN FILING DUE	22/11/2000	12 M	22/11/2001		22/11/2001	0	22/11/2001	3 M	Y	Y	Y
PC	N	POST CARD CHECK	22/11/2001	1 M	22/12/2001		22/12/2001	0	03/12/2001	0 M	Y	Y	Y
FS	N	FILG RCPT STATUS CHK	22/11/2001	3 M	22/02/2002		22/02/2002	0	13/12/2001	0 M	Y	Y	Y
DS	N	INF DISCLOSURE STMT	23/11/2001	3 M	23/02/2002		23/02/2002	0	28/03/2004	1 M	Y	Y	Y
PU	N	PUBLICATION	23/11/2001	18 M	23/05/2003		23/05/2003	0	23/05/2002	1 M	Y	Y	Y
SC	N	STATUS CHECK	23/11/2001	18 M	23/05/2003		23/05/2003	0	23/05/2002	1 M	Y	Y	Y

INVENTORS

ZEEV SURASKI

ANDI GUTMANS

ASSIGNEES

ZEND TECHNOLOGIES

TERMS

method

apparatus

DYNAMIC

SHARED-MEMORY

CACHING

SCRIPTING

ENGINE

NOTES

Filing Receipt Confirmation No. 2856. Assignment recordation confirmation received 28.01.2002 Recordation Date:23.11.01

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/990,380

11/23/2001

Zeev Suraski

Z-44-1 US

2856

23366 7590 02/11/2005
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EXAMINER

LAZARO, DAVID R

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 02/11/2005

incorrect

Please find below and/or attached an Office communication concerning this application or proceeding.

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PTO-90C (Rev. 10/03)